

KEN THERRIEN
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Attorney for Defendant
MIGUEL REYES-GARCIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
(HONORABLE EDWARD F. SHEA)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIGUEL REYES-GARCIA

Defendant.

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15-CR-6049-EFS-21

DEFENDANT'S TRIAL BRIEF

MIGUEL REYES GARCIA, by and through his attorney, Ken Therrien, hereby submits the following trial brief:

On December 6, 2016, the Government filed a Second Superseding Indictment charging Miguel Reyes-Garcia, in Count 1: Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, 5 Kilograms or More of Cocaine, 1 Kilogram or More of Heroin and 400 grams or More of N-phenyl-N Propanamide all in Violation of 21 U.S.C. §846. The Second Superseding Indictment alleges a time period for the Conspiracy beginning on or about January 2010 and continuing until on or about to December 6, 2016.

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3 STATEMENT OF CASE STATUS

4 The trial is scheduled to commence at 9:00 a.m. on October 10, 2018
5 and conclude sometime during the week of October 22, 2018. The defense
6 anticipates it's opening statement will take 15 minutes, and should Miguel Reyes-
7 Garcia decide to testify, then presentation of the defense case will take anywhere
8 between one-two hours. The defense will not stipulate to any of the crime lab
9 reports regarding the identity and purity of the alleged drugs seized and will hold
10 the Government to its burden of proof as to each and every element of the crimes
11 charged in Count 1. Mr. Reyes-Garcia will need the assistance of a Spanish
12 speaking interpreter.
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15 SUMMARY OF THE CASE

16 On August 26, 2015 Mr. Reyes Garcia is arrested in Room 204 at the Ramada
17 Inn Hotel in Grand Forks, British Columbia. Mr. Reyes-Garcia was arrested as
18 part of an investigation of what has come to be known as the Ivan Cavillo Drug
19 Trafficking Organization (Hereinafter referred to as the "Cavillo DTO"). The
20 investigation of the Cavillo DTO was coordinated between the Royal Canadian
21 Mounted Police (RCMP), the Boston Drug Enforcement Agency (Boston DEA), the
22 Federal Bureau of Investigation (F.B.I.) and other drug enforcement agencies.
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24 These various government agencies had placed undercover agents inside
25 the Cavillo DTO who acted as Money Launderers for the Cavillo DTO. The
26 investigating agencies working in concert were able to infiltrate the Cavillo DTO,
27 arrest and turn various members of the Cavillo DTO as controlled informants for
28 the investigating agencies and cooperating co-defendants who will be testifying at
29 the time of trial.
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1 The Ivan Cavillo DTO rise to power occurred as a result of
2 Ivan Cavillo's ability to establish a business connection with the major drug
3 distributor in the Vancouver and Toronto areas in Canada. This was a significant
4 contact because of the considerable mark up in price for drugs being sold in
5 Canada rather than being sold in the U.S. Ivan Cavillo made use of a trail system
6 which ran through in the Oroville Washington area which bordered the Canada,
7 Grand Forks area. According to the Government, the drugs were transported from
8 Mexico to Washington State where they then were backpacked through the trail
9 systems connecting Washington State to Canada by individuals working for the
10 Cavillo DTO. According to the Government, drug proceeds generated by the drug
11 sales in Canada were transported by backpack from Canada to Washington State
12 using the same trail system. It is believed that the Government will allege that the
13 trail system through Oroville, Washington to the Canadian border was controlled
14 by the Cavillo DTO.
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17 During the pre-trial conference held on March 6, 2018 the Government, in
18 response to Mr. Reyes-Garcia's Motion for a Bill of Particulars, labeled Mr.
19 Reyes-Garcia as a "Transporter". Mr. Reyes-Garcia denies being a member of the
20 Cavillo DTO. Mr. Reyes-Garcia presence in Grand Forks, Canada on August 26,
21 2015 was not connected to the activities of the other individuals arrested on
22 August 26, 2015 in Grand Forks, British Columbia.
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25 JURY INSTRUCTION

26 Miguel Reyes-Garcia has met and conferred with the Government and co-
27 counsel regarding jury instructions and intends on proposing a Multiple
28 Conspiracy Instruction at the end of the trial should the Court determine that the
29 evidence and testimony support this instruction. Mr. Reyes Garcia respectfully
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1 request that he be allowed to supplement this jury instruction before the end of
2 trial should additional evidence and facts warrant it.

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5 RESPECTFULLY SUBMITTED this 1st day of October 2018.
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8 s/ Ken Therrien

9 KEN THERRIEN, WSBA#20291

10 Attorney for Defendant

11 Miguel Reyes-Garcia
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on October 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Stephanie Van Marter, Assistant United States Attorney.

s/ Ken Therrien
KEN THERRIEN, WSBA #20291
Attorney for Miguel Reyes-Garcia